IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 146 OF 2004

MARY DIAS AND ANR., ...Appellants

Versus

PEDRO MACHADO AND 30 ORS., ...Respondents

Shri A.f. Diniz, Advocate for the appellants.

Shri Sudin M. S. Usgaonkar, Advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 24th August, 2005

P.C.

Mr. Sudin Usgaonkar, the learned Counsel for the respondents raised a preliminary objection about the maintainability of the appeal.

2. The learned Counsel for the appellants submits that he has already filed a writ petition challenging the impugned Judgment dated 27th September, 2004 and, therefore, he has instructions to withdraw this appeal.

3. The appeal is allowed to be withdrawn. It is clarified that withdrawal of this second appeal shall not affect the consideration of the writ petition filed by the appellants in challenging the impugned Judgment.

R. M. LODHA, J.